

AUG 15 2025

PER 
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARYANN BUTLER,
Plaintiff,

CIVIL ACTION NO. 1:25-cv-00690-KMN
(Judge Neary)

v.

NEW AMERICAN FUNDING, LLC, et al.,
Defendants.

**JUDICIAL NOTICE OF COUNSEL STATEMENT AND REGULATION B CONFLICT
(Exhibit C1; Cross-Reference to Exhibits O, D/D2, F & F2; Relation to ECF 68)**

Plaintiffs Audury Petie Davis and Maryann Butler, pro se, give notice of a counsel statement that conflicts with the record and with the Equal Credit Opportunity Act/Regulation B requirements.

1. Counsel Statement (Exhibit C1). In a letter dated July 23, 2025 attorney John Q. Howard asserted that

Plaintiffs "voluntarily withdrew" and therefore were "not entitled to a denial letter." Plaintiffs attach that letter as Exhibit C1 for the Court's awareness.

2. Regulatory Conflict. Regulation B requires timely adverse-action notice when a credit application is denied or otherwise not granted as requested. See 12 C.F.R. § 1002.9(a); 15 U.S.C. § 1691(d). Plaintiffs never received an ECOA/Reg B adverse-action notice.

3. Record Conflict. The C1 assertion is inconsistent with:

- (a) Exhibit O (off-portal submission of loan materials to the loan officer's email in Jan. 2025);
- (b) Exhibits D and D2 (email delivery failures during processing);
- (c) Exhibits F (Google Fi transcript) and F2 (audio) reflecting the loan officer's acknowledgment that

"your mother's second verification of employment just came in late last week; that has been sent up,"

apologizing for being out of office and requesting a call back.

Plaintiffs did not request or consent to any "withdrawal," and the record reflects ongoing processing activity.

4. Relation to ECF 68. This notice is submitted so the Court may consider C1's content alongside Plaintiffs'

pending Motion for Temporary Restraining Order / Order to Show Cause / Expedited
Discovery and
Preservation (ECF 68), which seeks targeted discovery (e.g., call logs, email routing/delivery,
processing
notes, rate-lock status) that will further clarify these issues.

5. Caption Conformity. This filing is on behalf of both Plaintiffs, Audury Petie Davis and Maryann
Butler.

The header mirrors ECF 71 for administrative conformity and does not waive Plaintiff Davis's
standing.

See ECF 38 (Verified Curative Complaint) and ECF 39 (Verified Declaration).

Respectfully submitted,

Dated: August 15, 2025

/s/ Audury Petie Davis
Audury Petie Davis, Pro Se
2041 Greenwood Street
Harrisburg, PA 17104
(717) 424-8220
mfmallah87@icloud.com

/s/ Maryann Butler
Maryann Butler, Pro Se
1823 State Street
Harrisburg, PA 17103

CERTIFICATE OF SERVICE

I certify that on August 15, 2025, I hand-delivered the foregoing Judicial Notice (with Exhibit C1
attached)
to the Clerk for filing and caused service via the Court's CM/ECF system on all counsel of
record.

/s/ Audury Petie Davis